

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: **Myriame Duplan**Case No.: 16-16594Judge: VFPDebtor(s) Chapter: 13

CHAPTER 13 PLAN AND MOTIONS

☐ Original☒ Motions Included☒ Modified/Notice Required☐ Modified/No Notice Required☒ Discharge Sought☐ No Discharge SoughtDate: 10/20/2016

THE DEBTOR HAS FILED FOR RELIEF UNDER
 CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
 IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
 THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay 1,600.00 Monthly to the Chapter 13 Trustee, starting on November 1, 2016 for approximately 54 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:



Future Earnings



Other sources of funding (describe source, amount and date when funds are available):
 \$7,475 already paid into plan over past 6 months. Plan term total is 60 months.

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property
Description:
Proposed date for completion: _____

☒ Loan modification with respect to mortgage encumbering property
Description: 151 West 33rd Street, Bayonne, NJ
Proposed date for completion: Determined by Court

d. ☒ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$ ____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
New Jersey Div. of Taxation	State income tax	877.00
Internal Revenue Service	Federal income tax	501.39
Scura, Wigfield, Heyer & Stevens, LLP	Administrative	Amount to be determined by the court after the filing of a supplemental fee application.

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Ditech Financial LLLC	151 West 33rd Street, Bayonne, NJ 07002 Hudson County	28,449.80	0	28,449.80	3,496.72

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
Bank of America 2nd mortgage	72 Willow Way Wanaque, NJ 07465 Passaic County	84,000	350,000	472,005	0	0	0
Bank of America 2nd mortgage	151 West 33rd Street, Bayonne, NJ 07002 Hudson County	48,664	290,000	403,772	0	0	0
Discover Fin Svcs LLC	72 Willow Way Wanaque, NJ 07465 Passaic County	16,693.54	350,000	472,005	0	0	0
Midland Funding, LLC	72 Willow Way Wanaque, NJ 07465 Passaic County	15,532.05	350,000	472,005	0	0	0
Cavalry Portfolio Services, LLC	72 Willow Way Wanaque, NJ 07465 Passaic County	24,614.46	350,000	472,005	0	0	0
Citibank SD, NA	72 Willow Way Wanaque, NJ 07465 Passaic County	20,005.00	350,000	472,005	0	0	0
Cavalry Portfolio Services, LLC	72 Willow Way Wanaque, NJ 07465 Passaic County	6,074.00	350,000	472,005	0	0	0
LVNV Funding, LLC	72 Willow Way Wanaque, NJ 07465 Passaic County	6,498.00	350,000	472,005	0	0	0
Advantage Assets II, Inc.	72 Willow Way Wanaque, NJ 07465 Passaic County	1,805.00	350,000	472,005	0	0	0

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor

M&T Bank - mortgage on residence

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims

a. Not separately classified Allowed non-priority unsecured claims shall be paid:

____ Not less than \$ ____ to be distributed *pro rata*

____ Not less than ____ percent

 x *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
Navient	Student loan - nondischargeable.	Paid outside of plan pursuant to original agreement.	0

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
Ryan & Taneya Rodriguez	Lease agreement	Assume
Charles Mallany	Lease agreement	Assume

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
Bank of America 2nd mortgage	72 Willow Way Wanaque, NJ 07465 Passaic County	ALL
Bank of America 2nd mortgage	151 West 33rd Street, Bayonne, NJ 07002 Hudson County	ALL
Discover Fin Svcs LLC	72 Willow Way Wanaque, NJ 07465 Passaic County72 Willow Way Wanaque, NJ 07465 Passaic County	ALL
Midland Funding, LLC	72 Willow Way Wanaque, NJ 07465 Passaic County	ALL
Cavalry Portfolio Services, LLC	72 Willow Way Wanaque, NJ 07465 Passaic County	ALL
Citibank SD, NA	72 Willow Way Wanaque, NJ 07465 Passaic County	ALL
Cavalry Portfolio Services, LLC	72 Willow Way Wanaque, NJ 07465 Passaic County	ALL
LVNV Funding, LLC	72 Willow Way Wanaque, NJ 07465 Passaic County	ALL
Advantage Assets II, Inc.	72 Willow Way Wanaque, NJ 07465 Passaic County	ALL

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
5) Priority Claims			
6) General Unsecured Claims			
<p>d. Post-petition claims</p> <p>The Trustee <input checked="" type="checkbox"/> is, <input type="checkbox"/> is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.</p>			
Part 9 : Modification			
<p>If this plan modifies a plan previously filed in this case, complete the information below.</p> <p>Date of Plan being modified: 4/8/2016</p>			
<p>Explain below why the Plan is being modified.</p> <p>To change the treatment of mortgage with M&T bank as Debtor has entered into a loan modification which has been approved by the Court.</p> <p>To update arrears owed to DiTech Financial per their filed Proof of Claim.</p> <p>To update actual amounts owed on priority claims.</p>		<p>Explain below how the Plan is being modified</p> <p>M&T Bank removed from Part 4, section a and added to Part 4, section d.</p> <p>Part 4, section a updated to reflect figures on filed Proof of Claim.</p> <p>Part 3 updated to reflect filed Proof of Claims.</p>	
<p>Are Schedules I and J being filed simultaneously with this modified Plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>			
Part 10: Sign Here			
<p>The debtor(s) and the attorney for the debtor (if any) must sign this Plan.</p> <p>Date <u>October 20, 2016</u> <u>/s/ Christopher J. Balala</u> Christopher J. Balala 030732010 NJ Attorney for the Debtor</p> <p>I certify under penalty of perjury that the foregoing is true and correct.</p> <p>Date: <u>October 20, 2016</u> <u>/s/ Myriame Duplan</u> Myriame Duplan Debtor</p> <p>Date: _____ _____ Joint Debtor</p>			

Certificate of Notice Page 7 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 Myriame Duplan
 Debtor

Case No. 16-16594-VFP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 49

Date Rcvd: Oct 26, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 28, 2016.

db
 516104314 +Myriame Duplan, 72 Willow Way, Wanaque, NJ 07465-1709
 516104315 +Advantage Assets II, Inc., 1000 North West Street, Suite 1200, Wilmington, DE 19801-1058
 516104317 +Amex, Po Box 297871, Fort Lauderdale, FL 33329-7871
 +BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bk Of Amer, Po Box 982238, El Paso, TX 79998)
 516104316 +Bank of America, 100 North Tryon Street, Charlotte, NC 28255-0001
 516104318 +Bk Of America, 4161 Piedmont Pkwy, Greensboro, NC 27410-8119
 516109200 +Bureau of Housing Inspection, PO Box 810, Trenton, NJ 08625-0810
 516104319 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One Bank Usa N, 15000 Capital One Dr,
 Richmond, VA 23238)
 516104321 +Charles Mallany, 151 West 33rd Street, Bayonne, NJ 07002-1944
 516104322 +Chase Card, Po Box 15298, Wilmington, DE 19850-5298
 516104323 +Citibank SD, NA, PO Box 6500, Sioux Falls, SD 57117-6500
 516104324 +Comenity Bank/pier 1, 4590 E Broad St, Columbus, OH 43213-1301
 516104327 +Dsnb Macys, 9111 Duke Blvd, Mason, OH 45040-8999
 516104328 +Eichenbaum & Stylianou, 10 Forest Ave., #300, Paramus, NJ 07652-5238
 516104329 +Faloni & Associates, LLC, 165 Passaic Ave., #301B, Fairfield, NJ 07004-3592
 516104330 +Fein, Such, Kahn & Shepard, 7 Century Dive, Ste. 201, Parsippany, NJ 07054-4673
 516387624 Kohl's, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 516104337 +Midland Funding, 2365 Northside Drive, Ste. 300, San Diego, CA 92108-2709
 516234755 Navient Solutions, Inc., P.O. Box 9640, Wilkes-Barre, PA 18773-9640
 516104340 +Pluese, Becker & Saltzman, 20000 Horison Way, Ste. 900, Mount Laurel, NJ 08054-4318
 516104341 +Pressler & Pressler, 7 Entin Road, Parsippany, NJ 07054-5020
 516104342 +Remex Inc, 307 Wall St, Princeton, NJ 08540-1515
 516104343 +Ryan & Taneya Rodriguez, 151 West 33rd Street, Bayonne, NJ 07002-1944
 516104339 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: New Jersey Division of Taxation,
 Compliance & Enforcement - Bankruptcy, 50 Barrack St., 9th Fl., PO Box 245,
 Trenton, NJ 08695)
 516104344 +Schachter Portnoy, LLC, 3490 US Route 1, Ste. 6, Princeton, NJ 08540-5920
 516104348 +Tenaglia & Hunt, P.A., 395 West Passaic Street, #205, Rochelle Park, NJ 07662-3016
 516104349 Tnb - Target, C/o Target Credit Services, Minneapolis, MN 55440
 516104350 +Wells Fargo Bank, Po Box 14517, Des Moines, IA 50306-3517

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Oct 26 2016 23:06:58 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Oct 26 2016 23:06:56 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 cr E-mail/Text: bankruptcy.bnc@ditech.com Oct 26 2016 23:06:39
 Ditech Financial LLC f/k/a Green Tree Servicing LL, PO Box 6154,
 Rapid City, SD 57709-6154
 516280963 +E-mail/Text: bncmail@w-legal.com Oct 26 2016 23:07:05 Back Bowl I LLC, Series C,
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 516329902 E-mail/Text: camanagement@mtb.com Oct 26 2016 23:06:41 Bayview Loan Servicing, LLC,
 c/o Mt Bank, PO Box 840, Buffalo, NY 14240-0840
 516104320 +E-mail/Text: bankruptcy@cavps.com Oct 26 2016 23:07:17 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Valhalla, NY 10595-1340
 516121944 +E-mail/Text: mrdiscen@discover.com Oct 26 2016 23:06:11 Discover Bank,
 Discover Products INC, P.O. Box 3025, New Albany Ohio 43054-3025
 516104325 +E-mail/Text: mrdiscen@discover.com Oct 26 2016 23:06:11 Discover Fin Svcs LLC,
 PO box 15316, Wilmington, DE 19850-5316
 516330707 E-mail/Text: bankruptcy.bnc@ditech.com Oct 26 2016 23:06:39 Ditech Financial LLC,
 PO Box 6154, Rapid City, SD 57709-6154
 516104326 +E-mail/Text: bankruptcy.bnc@ditech.com Oct 26 2016 23:06:39 Ditech Financial LLC,
 Po Box 6172, Rapid City, SD 57709-6172
 516104331 +E-mail/Text: cio.bncmail@irs.gov Oct 26 2016 23:06:33 Internal Revenue Service,
 PO Box 7346, Philadelphia, PA 19101-7346
 516104332 +E-mail/Text: bnckohlsnotices@becket-lee.com Oct 26 2016 23:06:21 Kohls/capone,
 N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-7096
 516104334 +E-mail/PDF: resurgentbknofications@resurgent.com Oct 26 2016 23:01:12 LVNV Funding, LLC,
 PO Box 10497, Greenville, SC 29603-0497
 516321833 E-mail/PDF: resurgentbknofications@resurgent.com Oct 26 2016 23:01:12
 LVNV Funding, LLC its successors and assigns as, assignee of GE Money Bank,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 516104333 +E-mail/PDF: gecsed@recoverycorp.com Oct 26 2016 23:01:29 Lowes, PO Box 530914,
 Atlanta, GA 30353-0914
 516104335 E-mail/Text: camanagement@mtb.com Oct 26 2016 23:06:41 M & T Bank, 1 Fountain Plz,
 Buffalo, NY 14203
 516104336 +E-mail/Text: bankruptcydpt@mcmcg.com Oct 26 2016 23:06:55 Midland Credit Management, Inc.,
 8875 Aero Drive, Suite 200, San Diego, CA 92123-2255

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 49

Date Rcvd: Oct 26, 2016

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

516104338	+E-mail/PDF: pa_dc_claims@navient.com Oct 26 2016 23:01:30	Navient, Po Box 9655, Wilkes Barre, PA 18773-9655
516104345	+E-mail/PDF: gecsedirecoverycorp.com Oct 26 2016 23:00:35	Syncb/jcp, Po Box 965007, Orlando, FL 32896-5007
516104346	+E-mail/PDF: gecsedirecoverycorp.com Oct 26 2016 23:00:35	Syncb/jcp Ppp, Po Box 965007, Orlando, FL 32896-5007
516104347	+E-mail/PDF: gecsedirecoverycorp.com Oct 26 2016 23:00:35	Syncb/pc Richard, C/o Po Box 965036, Orlando, FL 32896-0001

TOTAL: 21

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr*	Kohl's, c/o Becket & Lee LLP, POB 3001, Malvern, PA 19355-0701
516280964*	+Back Bowl I LLC, Series C, C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
516225849*	++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245, TRENTON NJ 08646-0245 (address filed with court: State of New Jersey, Department of Treasury, Division of Taxation, PO Box 245, Trenton, NJ 08695-0245)

TOTALS: 0, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 28, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 25, 2016 at the address(es) listed below:

Christopher J. Balala on behalf of Debtor Myriame Duplan cbalala@scuramealey.com,
ecfbkfilings@scuramealey.com/dsklar@scuramealey.com/ascolavino@scuramealey.com
David L. Stevens on behalf of Debtor Myriame Duplan dstevens@scuramealey.com,
cbalala@scuramealey.com/ecfbkfilings@scuramealey.com/dsklar@scuramealey.com/ascolavino@scuramealey.com
Denise E. Carlon on behalf of Creditor Bayview Loan Servicing, LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Marie-Ann Greenberg magecf@magtrustee.com
Robert P. Saltzman on behalf of Creditor Ditech Financial LLC f/k/a Green Tree Servicing LLC
dnj@pbslaw.org

TOTAL: 5